IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1213/2006
PAPULAL Vs. SMT. GAYTRI

DATE: 29.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Arvind Bhardwaj for the petitioner.

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The present revision petition has been preferred by the petitioner after a delay of 469 days along with the application under Section 5 of the Limitation Act for condonation of delay, wherein the applicant-petitioner has given the reason that at the time of decision of the application, the petitioner was not present in the Court because he was out of station for want of employment and in search of employment he has to visit different places and on account of unemployment, he is also facing financial crisis. It is also stated by the petitioner that as he was not aware of the order passed by the Court, therefore, the present revision petition has been filed after a delay of 469 days.

I have heard the revision petition on merit.

Brief facts of the case are that the marriage of the petitioner and the non-petitioner took place 8 years ago in 'Samuhik Sammelan' at Chhatrapura and they

started living as husband and wife, but the dispute cropped up in the year 2001 and on account of the dispute, the petitioner and the non-petitioner executed an agreement on 02.02.2001 and agreed that the marriage was unlawful and the same was dissolved with their consent and since 2001 they are living separately. The Judicial Magistrate- I Class, Talera, District Bundi vide its order dated 01.04.2005 passed in Case No. 227/2001, directed the petitioner to pay maintenance of Rs. 450/- per month from 13.09.2001 to the non-petitioner.

Against this maintenance order, the present revision petition has been preferred by the petitioner with an inordinate delay of 469 days and the explanation which has been given for this delay in the application under Section 5 of the Limitation Act, I am not satisfied with the same.

Even otherwise also, upon careful perusal of the impugned order dated 01.04.2005 passed by the trial Court on the application under Section 125 Cr.P.C., it reveals that only maintenance of Rs. 450/- per month has been awarded to the non-petitioner, which cannot be said to be excessive. Therefore, I find no illegality or error apparent on the face of the record in the impugned order and also do not find any merit in the revision petition.

Consequently, the revision petition fails and the same is hereby dismissed.

The application under Section 5 of the Limitation Act also stands rejected.

(K.S. RATHORE),J.

/KKC/